

UNITED STATES PATENT AND TRADEMARK OFFICE

<p>In re application of:</p> <p>NIKKAH, Ali</p> <p>Serial No.: Filed Concurrently Herewith</p> <p>Filed: April 9, 2004</p> <p>Title: STIR STICK ASSEMBLY FOR BLENDER APPARATUS</p>	<p>Examiner: Not Yet Assigned</p> <p>Group Art Unit: Not Yet Assigned</p> <div data-bbox="868 415 1380 640" style="border: 1px solid black; padding: 5px;"> <p style="text-align: center;">Certificate of Mailing</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service Express Mail Service, Label No. ER500464210US in an envelope addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on April 9, 2004.</p> <p style="text-align: right;"><i>Kathy Mojibi</i></p> <p>Kathy Mojibi</p> </div>
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Mail Stop Patent Application
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

PETITION TO MAKE SPECIAL

Sir:

Applicants hereby petition to make this application special pursuant to the Advancement of Examination procedures set forth 37 C.F.R. §1.102(d) and MPEP 708.02 on the grounds that a search of the prior art has been made.

REMARKS

In accordance with MPEP 708.02, Part VIII, subparagraphs (A) through (E), the Applicant states as follows:

(A) Petition Fee. Check No. 10557 in the amount of \$130 is enclosed to cover the Petition Fee as set forth in 37 C.F.R. §§ 1.102(d) and 1.17(h). The Commissioner is authorized to charge any deficiencies or credit any overpayments to Deposit Account No. 50-2922.

(B) All Claims Directed to Single Invention. All the claims in the pending application are directed to a single invention. The claims, as filed, do not define independent and distinct inventions; therefore, no restriction should be required.

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Nevertheless, if the Patent Office determines that the claims are not directed to a single invention, then the Applicants will make an election without traverse as a prerequisite to the grant of special status for the pending application. The Applicant prefers, however, to defer any required election until the Patent Office determines that a restriction is required and, then, to make any such election using the established telephone restriction practice, as permitted in MPEP 708.02, Part VIII (B).

(C) Search Made. The Applicants have conducted a pre-examination search using the services of Terry W. Kramer, Esq. of Kramer & Associates. A copy of Mr. Kramer's letter is attached to this Petition as Exhibit 1, and incorporated herein by reference.

Mr. Kramer's letter sets forth the search field, including the classes and subclasses (U.S. and foreign), and the examiners consulted during the search. The letter also includes a schedule of references found.

(D) Submission of References. Also attached is an Information Disclosure Form PTO/SB/08A listing the references located in the search.

The following are the prior art references deemed by the Applicant to be most closely related to the subject matter encompassed by the claims of the pending application.

Patent/ Publication No.	Inventor	Issue/ Publication Date	Title
2003/0099154 A1	Daniels, Jr.	5/29/03	Beverage Mixer
6,527,433 B2	Daniels, Jr.	3/4/03	Beverage Mixer With Pivoting Stir Stick and Cup Indentation

(E) Detailed Discussion of the References and Patentable Subject Matter.

The following is a discussion summarizing the references identified above and analyzing the patentability of the claimed invention over the references. The independent claims 1, 9 and 18 each recite a passageway extending through the stir stick body. Moreover, claims 1 and 18 recite the stir stick body having a plurality of sections that are

detachably mated together. As described in greater detail below, none of the cited references disclose these features.

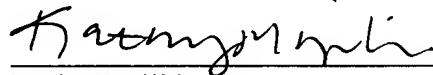
U.S. Publication No. 2003/0099154 A1 and U.S. Patent No. 6,527,433 both to Daniels, Jr. disclose a stir stick, configured to be carried by the lid, and extendable through the opening in the lid and into the container. The stir stick is pivotable with respect to the lid when carried thereby. Daniels, Jr. does not disclose a passageway extending through the stir stick body. Moreover, Daniels, Jr. does not disclose the stir stick body having a plurality of sections that are detachably mated together. As such, the present invention is patentable over both of these references.

CONCLUSION

Having satisfied the requirements for the Advancement of Examination as set forth in 37 C.F.R. §1.102(d) and MPEP 708.02, the Applicants hereby seek accelerated examination of this patent application.

Respectfully Submitted,

Date: April 9, 2004



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